

***Village of Barrington
Plan Commission
Minutes***

Date: June 4, 2003 Special Meeting

Time: 7 p.m.

Location: Village Board Room
200 South Hough Street
Barrington, Illinois

In Attendance: Anna Bush, Chair
Curt Larsen, Vice Chair
Bhagwant Sidhu
Harry Burroughs
Steve Mack
Steve Morrissey

Staff Members: Keith Sbiral, Senior Planner
Jeff O'Brien, Planner/Zoning Coordinator

Call to Order

Ms. Bush called the meeting to order at 7 p.m.

Roll call noted the following: Anna Bush, Chairperson, present; Curt Larsen, Vice Chair, present; Bhagwant Sidhu, present; Harry Burroughs, present; Steve Mack, present; John Rometty, absent; Steve Morrissey, present.

There being a quorum, the meeting proceeded.

Old Business

PC 02-10; Heart-Key Development (Listhartke Annexation and Subdivision) 64-70 North Ela Road.

Petitioners: Bill Graft, attorney for the owner, Keith Lacey, engineer.

Ms. Bush re-opened the public hearing.

Ms. Bush swore in anyone who would be speaking.

Ms. Bush asked who the developer will be.

Mr. Graft said that Heart-Key Development LLC would be the developer. Mr. Graft indicated that Listhartkes were the developers.

Ms. Bush asked who the builder will be.

Mr. Graft indicated that builders had not yet been selected. He stated that the new homes would attempt to mirror the homes in the Fox Glove Subdivision.

Ms. Bush asked if there would be only one builder or many builders.

Mr. Graft said that it would be up to the individual owner, but one or two builders would be selected. The homeowner's association would have an architectural review commission that will review the design of the new homes.

Ms. Bush questioned the size of the homes to be built.

Mr. Graft said that the homes 2,500 square feet to 3,500 square feet, which is consistent with the existing homes in the area.

Ms. Bush was worried that massing of the new homes would dwarf the homes in the surrounding neighborhoods. She stated that the new homes were really part of the entire neighborhood and the area should continue to feel like a neighborhood. Ms. Bush stated that the homes should be in scale with the surrounding subdivisions.

Mr. Graft said that the Listhartkes were sensitive to these concerns and had provided controls in the state-of-the-art covenants. Mr. Graft indicated that the protections were built into the covenants. He stated that the Listhartkes did not want “monster” homes in the development and that they were willing to have size restrictions placed on any recommendation for approval.

Ms. Bush asked if the homes would go to Village’s Architecture Review Commission.

Mr. Sbiral said no.

Mr. Graft said that the petitioner would welcome any suggestions to control size by the Village.

Mr. Burroughs asked if there were maximums restrictions.

Mr. Graft said no but there were restrictions on minimum lot size.

Mr. Burroughs said that there should be more control on lot size and square footage of homes.

Mr. Graft said that the Listhartkes would be controlling the development and the building and design of the homes.

Ms. Bush asked if the petitioner would be amenable to maximum and minimum size restrictions on homes.

Mr. Graft said that they would as long as they were reasonable. He stated that Village Zoning Codes would also restrict the size of the homes.

Ms. Bush asked if the petitioners would be amenable to amending the bike path.

Mr. Graft said that the petitioner was completely flexible on this issue.

Mr. Larsen asked about the side-loading garages.

Mr. Graft said the petitioner would prefer side-loading garages to the traditional front-loading garages, but there may be some lots that would not allow side-loading garage.

Mr. Graft presented the Plan Commission with proof that the land was in the Barrington Library District.

Mr. Sbiral entered Mr. Dan Woods’ email, a Fox Point resident, into the record regarding drainage and storm water management.

PUBLIC COMMENT:

Mr. Mike Nowick, 1340 Lake Shore Drive South, President of Fox Point Homeowners’ Association

Mr. Nowick presented a document from the Homeowners’ Association in Fox Point that said that the subdivision was overwhelmingly opposed to the bike path. He noted that the homeowners’ feared for there safety and security. Mr. Nowick presented a statement from Fox Point residents opposing the bike path.

He also presented a survey of Fox Point residents regarding the bike path. The results were 7 for, 9 neutral, and 299 against the bike path. He presented the survey numbers to staff.

Mr. Mark Markcuson, 1540 Lake Shore Drive South

Mr. Markcuson felt the bike path would be a burden to the "community" (Fox Point Subdivision). He stated that the bike path will attract unwanted visitors to their subdivision, particularly to their lake. Mr. Markcuson stated that the police had worked with the homeowners to minimize trespassers. He said that the subdivision paid a significant portion of the real estate property taxes to the village. Mr. Markcuson said that more than \$250,000 was paid by Fox Point homeowners to the Village in property taxes. Mr. Markcuson urged the Plan Commission to eliminate the connection with Fox Point.

Mr. Larsen asked how Fox Point policed other surrounding subdivisions from invading their community and wondered why were they concerned with fourteen homes.

Mr. Markcuson discussed the protections that were currently in place. Mr. Markcuson said that Fox Point used police and neighborhood watches to control vandalism and kids. He stated that Fox Point could not control everything without gates. Mr. Markcuson said people from Ela Road would have access to their subdivision.

Mr. Larsen said that this would add 31 homes as opposed to the 300 that currently have access.

Mr. Markcuson said that in fact the entire Village of Barrington had access to Fox Point via the public road network. He was concerned that a connection would give more people access to the amenities paid for by Fox Point residents.

Susan Stoga, 1511 Lake Shore Drive South

Ms. Stoga was concerned with safety of persons that use the streets in Fox Point. She pointed out that there were no sidewalks and did not want more traffic on their streets. Ms. Stoga was worried about increased accidents. She stated that curved streets caused low visibility. Ms. Stoga feared more vandalism and crime would take place if an additional connection to Fox Point was allowed.

Cynthia Verbinski, 1521 Lake Shore Drive South

Ms. Verbinski discussed citizen participation. She stated that the first time that Fox Point residents had heard about the bike path was during the last Plan Commission meeting (5-28-03). Ms. Verbinski stated that the bike path was not recommended by the Petitioner. She was concerned that the Village had not communicated these changes to the neighbors. Ms. Verbinski stated that the Village staff had not given her an accurate indication of what the bike path would be. She stated that she would not support a connection of any type because she feared it would metamorphous into something else like a regional bike path.

Jack Keenan, 1519 Lake Shore Drive South

Mr. Keenan submitted a map of the area's bike paths to the Plan Commission.

Mr. Keenan pointed out that the map display 9 highlighted bike paths that were designed to connect to various community centers. Mr. Keenan directed the Plan Commission to green line in upper right-hand corner; this was a connection to a regional bike path connecting Lake County and Long Grove Roads. He stated that this was an un-needed connection that would potentially bring unwanted visitors onto neighborhood streets. He stated that Fox Point residents did not want the connection. Mr. Keenan asked Commissioners to place themselves in his shoes as father of two young children. Mr. Keenan gave child abduction numbers in US and Illinois, and the bike path would increase odds of these crimes happening, although it was unlikely that such crimes would take place in Fox Point. He indicated that most Fox Point residents do not want it the connection. Mr. Keenan urged the Plan Commission to eliminate the bike path.

Robert W. Zerossi, 1503 Lake Shore Drive South.

Mr. Zerossi stated that Fox Point's streets were ment to handle internal traffic only. He stated that drivers backing out may be a danger to persons using the bike path. Mr. Zerossi said that bike path will add traffic and decrease security. He indicated that the bike path would make Fox Point a defacto part of the Regional

Bike Path. Mr. Zerossi stated that BACOG published a study in 1977 that showed a proposal to place a regional bike path through the Fox Point subdivision from the Listhartke property. He indicated that the 1990 Village of Barrington Comprehensive Plan eliminated bike way plan as being out of date. Mr. Zerossi said the 2000 Comprehensive Plan indicated that there were specific neighborhood bike ways and these connections should be used to connect to the regional bike ways. He asked that the Plan Commission to eliminate the bike path from the proposed plan. Mr. Zerossi entered letter into the record.

Ms. Bush mentioned that the Plan Commission had been trying to make decisions to continue the connectivity of the sidewalk system starting with the re-writing of the Zoning Ordinance.

Mr. Charlie Talcore, 521 Lake Shore Drive North

Mr. Talcore stated that he supported the bike path. He noted that he is a serious cyclist. He said that serious cyclists will avoid the bike path. He said that the main use of this path will be to allow residents to flow between subdivision. Mr. Talcore said a five foot path would be appropriate. He felt that the connection would allow Fox Point residents to access Cuba Marsh easier. He felt that the security issues were sound. Mr. Talcore indicated that it would be hard to carry items off on a bicycle.

Mr. Tom Lynum, 513 Lake Shore Drive North

Mr. Lynum was unsure that only bicyclist would be using this path. He felt that motorcycles, vans, and trucks could come into the community and burglarize home. Mr. Lynum said that in the 1960s, the police pointed out that there were already three points of access. He said the police could protect the community easily with two cars. Mr. Lynum said another entry on the east would be virtually impossible to police. He said that the entrance could not be controlled off Ela Road. He had seen drugs passed in the neighborhood.

Mr. Lynum was worried about flooding off the steep slopes on the Listhartke property.

Mr. Lynum said that safety was also a concern. He said the line of sight on Fox Point roads were short because of hilly and curvy roads. Mr. Lynum had almost hit a little boy two days ago and a less-experienced driver would have hit the child because they would not be as familiar with the roads.

Mr. Jim Perille,

Mr. Perille read a letter, handed out to the Plan Commission and staff, that outlined his concerns. He was concerned about drainage issues and the small number of homeowners. Mr. Perille was also concerned with the "inexperience" of the development. He was concerned that the small number of homeowners would not be able to maintain storm water detention basins. Mr. Perille also requested two bonds to protect Fox Point's storm water basins from any new siltation or debris from the Listhartke property. He stated that the Village engineers should oversee the development of the property. Mr. Perille stated that annexation was a privilege, not a right. Mr. Perille said that people accessed Cuba Marsh through his land and he did not mind that. He was opposed to the path because he had seen motorcycles coming from Deer Park to Fox Point via the Listhartke property.

Mr. Jeff Gardner, 529 Fox Glove Lane, Spokesperson for Fox Glove Lane Neighborhood

Mr. Gardner stated that Fox Glove Lane residents had re-considered issues with the bike path. He stated that Fox Glove Lane was supportive of a neighborhood connection. Mr. Gardner indicated that a concrete walking path, not a bike path, was appropriate.

Mr. Gardner addressed the sale of the lots. He stated that Fox Glove Lane residents wanted the design and construction of the new homes to be similar to the homes in Fox Glove Lane. Mr. Gardner stated that the homeowners of Fox Glove Lane feel that this is a reasonable request. He said that the control over this should be deferred to the Village Zoning Ordinance and other Village ordinances and not solely by the private covenants.

Ms. Nancy Stitle, 210 Tall Trees Drive, President of the Tall Tree Homeowner's Association

Ms. Stitle said the Commissioners did not meet with anyone from the Tall Trees Board. She stated that Tall Trees would like a connection to the Listhartke property so the children could walk back and forth.

Mr. Gardner submitted a letter to the Plan Commission and to staff.

Ms. Bush asked if Tall Trees was requesting an easement.

Ms. Stitle said yes, if it could go through the Tall Trees retention area. She stated that Tall Trees needed help from Village engineers to determine if this could be done.

Mr. Larsen asked about the ownership of the retention area.

Ms. Stitle said the property was owned by the Tall Trees Homeowner's Association.

Mr. Sbiral said the question was providing an easement on the Lishartke land, but there may not be room on the out lot in question.

Ms. Linda Hogstein, 536 Fox Glove Lane

Ms. Hogstein said that Fox Glove Lane wanted a neighborhood connection so that children could go from Fox Point to Fox Glove Lane without cutting through yards, not a highway or a path for motorcycles. She stated that a defined neighborhood connection would be safer than cutting through yards. Ms. Hogstein said that Fox Point residents would be in favor of a connection to Cuba Marsh and that there were more ways than one to look at a defined neighborhood connection.

Ms. Bush closed public comment.

Mr. Graft addressed Mr. Perille's concerns regarding the small number of homes being able to maintain the storm water system. Mr. Graft said that lien rights would be granted to the Village if the 14 lots could not maintain storm water system. He also pointed out that the development would be required to put up letters of credit to the Village of Barrington to ensure that the work was completed to Village standards.

Mr. Graft said that someone in Tall Trees was opposed to the connection. Mr. Graft said the Lishartke's would grant the easement, but they wanted the 56 owners in Tall Trees to relieve the Lishartke's of liability of maintaining the easement in the storm water detention basin.

Mr. Lacy indicated that the easement would be between lots 5 & 6 or 6&7.

Mr. Graft said the covenants controlled design, materials and landscaping of the homes. He said that much of this document spoke to these concerns. Mr. Graft reviewed some of these restrictions, citing the private covenant documents. He stressed that traditional architectural styles would be encouraged. Mr. Graft pointed out that no variances were being requested in this project.

Ms. Stitle said that the easement was not brand new. She indicated that the person opposed did not live on either side of the out lot in question.

Mr. Sbiral discussed problems with connecting the sidewalk from Tall Trees to the Lishartke property.

Mr. Graft said that Lake County DOT's long-term plan was to move the bike path off Ela Road.

Mr. Larsen said that the 10-inch water main loop might be excessive since there were already three loops proposed. Mr. Larsen said that there was serious concern regarding the interconnection of subdivisions. He stressed that this was important. Mr. Larsen said that the eyebrow was a good idea because it brought the community together to keep it beautiful. Mr. Larsen said the Plan Commission would control building size in the recommendation. Mr. Larsen said that staff should work with Tall Trees to resolve the issues.

Mr. Mack had no comments.

Mr. Burroughs agreed with Mr. Larsen regarding control of structure sizes. He supported a connection to Tall Trees. Mr. Burroughs thought that an 8-foot bike path was excessive. He felt that the homeowners would be able control storm water.

Ms. Sidhu felt that the Comprehensive Plan says the annexation of property was acceptable.

Mr. Morrissey supports annexation. He thought the storm water management plan was more than adequate. Mr. Morrissey felt that the Lishartkes had good intentions to maintain control over covenants. He supports a maximum square footage for homes. He supports a neighborhood connection that would be at maximum the standard width of a sidewalk. Mr. Morrissey supported the landscaped island. He stated that the southern water main loop was excessive.

Ms. Bush petitioner did a good job of working with Fox Glove Lane. She thought the U-shaped road was a good idea. Ms. Bush said the letters of credit are acceptable. Ms. Bush liked the water main loop, but would go with other commissioners. She liked the idea of landscaped island. Ms. Bush supported connection between neighborhoods. She understood Fox Points' concerns, but a simple sidewalk would serve everyone well. Ms. Bush had concerns with lot sizes and home sizes. She stated that she would like to see no re-subdivision of lots. Ms. Bush supported a traditional look/design. She stated that she would support an easement with Tall Trees; the developer should decide where this easement should go. Ms. Bush stated that the subdivision will be an excellent addition to the Village.

MOTION:

Commissioner Larsen moved to recommend approval of the annexation, rezoning and Special Use/Planned Development, adopting staff's findings as the findings of the Plan Commission, to the Board of Trustees with the following conditions:

1. Easements shown on the preliminary plat shall be subject to approval by the Department of Public Works prior to Board of Trustee approval.
2. Any outstanding engineering issues must be resolved during the final engineering phase, prior to recording of the final subdivision plat with the County Recorder's Office.
3. The "Alternate A" proposal for a sidewalk should be adopted. The proposed sidewalk should be incorporated into the twenty (20) foot utility easement and should be no narrower than five (5) feet and should be constructed of concrete.
4. Detailed tree protection shall be required on all final demolition, engineering and individual lot development documents.
5. Staff recommends that formal notification of wetland plantings and other subdivision requirements be supplied to prospective owners prior to purchase.
6. All plant material shall be installed at the appropriate planting time, not when it is convenient for the development.
7. The petitioner shall contact the Barrington Park District and Barrington Area Library District to insure inclusion into their districts.
8. The additional ten (10) inch water main connection on the south side of the property is not necessary due to the three (3) connections already proposed by the Petitioner.
9. No lot shall be re-subdivided or consolidated with any other lot.
10. The minimum size for ranch-style homes shall be 2,400 square feet and the maximum size for ranch-style homes shall be 3,500 square feet. The minimum size for two-story homes shall be 2,500 square feet and the maximum size for two-story homes shall be 3,500 square feet. (*Note: See "Amendment to Motion" described below*)
11. Recognize the willingness of the petitioner to provide an easement to the Tall Trees subdivision for the purposes of a neighborhood connection between either Lots 5 and 6 or Lots 6 and 7.

Findings:

1. **The proposed special use is, in fact, a special use listed and authorized in the zoning district regulations within which the property is located.**

The property is proposed to be rezoned to R-3 Single Family Residential upon annexation. The property is also in the SPA Special Planning Area Overlay District. A Planned Unit Development is a listed special use in the R-3 District and is required in the SPA Overlay.

2. The proposed special use is consistent with the objectives of the Village's Comprehensive Plan and this Ordinance.

The proposed plans are consistent with both the Comprehensive Plan as well as the Zoning Ordinance. The proposal requires no exceptions from the Zoning Ordinance Regulations and is compatible with the single family residential development called for in the Comprehensive Plan. The proposal requires one exception from the Subdivision Regulations as no sidewalks are proposed for the development. Staff concurs that building sidewalks in this development would be inconsistent with surrounding properties and therefore supports the exception.

3. The proposed special use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

The proposed development has been designed to be compatible with the Fox Glove Lane Subdivision and will mirror that subdivisions street layout. The lots will be 20,000 square feet (minimum) and the proposed housing stock is intended to be similar to the surrounding structures.

4. The proposed special use will not significantly diminish the safety, use and enjoyment of surrounding property.

The proposed development has gone through several revisions to ensure the safety of current residents as well as future subdivision residents. The street is designed to reduce the speed of traffic and allow a secondary access point for the two subdivisions.

5. The proposed special use is adequately served by essential public facilities and services such as streets, police and fire service, drainage, refuse disposal, water and sewer, and schools, or the persons or agencies responsible for the establishment of the proposed special use shall provide adequately any such services.

The petitioner is proposing the construction of the Fox Glove Lane extension as well as the expansion of the water, sanitary, and storm water facilities to accommodate the additional property.

6. The proposed special use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community.

The proposed development will not create excessive additional public expense. All development costs are the costs of the petitioner.

7. The proposed special use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The proposed single family residential development will not produce excessive traffic, noise, smoke, fumes, glare, or odors.

8. The proposed special use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares.

Though the southern access point will require additional relief from Lake County regulations, the proximity of the access road to surrounding roads will not negatively affect the surrounding thoroughfares. The developer is required to install turn lanes at the southern entrance to the property.

9. The proposed special use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

The proposed development will not result in the loss of natural, scenic, or historic features.

10. The proposed special use complies with all additional regulations in this Ordinance specific to the special use requested.

The proposed plan conforms to all additional zoning requirements.

Additionally, the following standards shall be given consideration

11. The existing uses and zoning of nearby property.

The surrounding property (currently in the Village of Barrington) is all zoned R-3 Single Family Residential. The proposed rezoning is compatible with the surrounding zoning.

12. **The extent to which property values are diminished by the particular zoning restrictions.**
This standard does not apply to this petition.
13. **The extent to which limitation or destruction of property values of the petitioner promotes the general health, safety, and welfare.**
This standard is not applicable to the petition.
14. **The relative gain to the public as compared to the hardship imposed upon petitioner.**
While no hardship is imposed on the petitioner for the future development of this property, the intent of the long range planning of the Village considers the incorporation of this property into the Village. Improved storm water management, looped water systems, and the elimination of a dead end road are all beneficial to the Village.
15. **The suitability of the particular property for the purpose for which it is now zoned.**
The property is currently zoned in Lake County for residential development. Though the property could support homes in Lake County, the property is better suited for incorporation into the Village public utility systems.
16. **The length of time that the property has been vacant as zoned considered in the context of land developed in the area in which the property is located.**
The land is not vacant.
17. **The care with which the community has undertaken to plan its land use development.**
The Village of Barrington has carefully considered the proposed property and incorporated it as Special Planning Area number eleven (11) in both the Comprehensive Plan and the Zoning Ordinance.
18. **The evidence or lack of evidence of community need for the use proposed by the property owner.**
The Village of Barrington currently has single family homes and the market likely supports the addition of the proposed homes.

Commissioner Mack seconded the motion.

Mr. Burroughs said max for a 2-story is too low. 4000 sq ft is more appropriate.

Mr. Larsen said that number was acceptable.

Mr. Graft asked if the petitioner could work with the staff on developing a more flexible size maximum. Mr. Graft suggested that the maximum home size should be determined by the largest homes that currently exist in Fox Point, Fox Glove Lane, and Tall Trees.

Mr. Sbiral stated that this standard would be difficult to enforce by the Village. He suggested that an actual number be used to make the plan review process less cumbersome.

Mr. Burroughs stated that he had worked on the largest homes in Fox Point and he did not think there were any homes over 5,000 square feet in that subdivision.

Mr. Larsen amended his motion to include a maximum house size of 5,000 square feet for a two-story home.

Mr. Burroughs stated that the petitioner's materials required a minimum of 2,600 square feet for a two-story home and the Plan Commission's recommendation should be consistent with this minimum.

Amendment to Motion: Mr. Larsen agreed and amended *Condition Number 10* the motion to state "The minimum size for ranch-style homes shall be 2,400 square feet and the maximum size for ranch-style homes shall be 3,500 square feet. The minimum size for two-story homes shall be 2,600 square feet and the maximum size for two-story homes shall be 5,000 square feet."

The public attempted to comment at this point.

Ms. Bush indicated that she had closed the public comment portion of the hearing and would not be able to accept any further comments from the public. She stated that the public would have another chance to comment on this project at the Board of Trustees. Ms. Bush asked Mr. Mack if he accepted the amendment to the motion

Mr. Mack said that he accepted Mr. Larsen's amendment to the motion.

Ms. Bush asked for any further Commissioner comment and/or discussion.

Commissioners did not comment on or discuss the case any further.

Roll Call Vote:

Mr. Morrisey – yes

Ms. Sidhu – yes

Mr. Burroughs – yes

Mr. Mack – yes

Mr. Larsen – yes

Ms. Bush – yes

Motion carries 6 ayes, 0 nays.

Mr. Sbiral said that this will go to the Board of Trustees as soon as the annexation agreement is drafted.

Ms. Bush said that the surrounding Homeowners' Association must be noticed of the Board of Trustees' meetings

Planner's Report

Mr. Sbiral stated that there were no new updates from the previous Plan Commission meeting (5-28-03).

Adjournment

Mr. Larsen moved to adjourn the meeting. Mr. Morrisey seconded the motion. Voice vote recorded all Ayes. The motion carried. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Jeff O'Brien, Planner/Zoning Coordinator

Anna Bush, Chairperson
Plan Commission